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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS DEMARTINI,

Defendant.

No. CR 12-00268 LHK

STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE STATUS HEARING FOR
CARLOS DEMARTINI

STIPULATION

On August 22, 2012, the parties appeared for a status conference in the above case. At that time, the United States and defendant DeMartini agreed to hold a status conference on September 26, 2012. Because September 26, 2012 is the Jewish holiday of Yom Kippur, counsel for the United States cannot appear on that date. On October 3, 2012, the Court's next criminal calendar, counsel for DeMartini is scheduled to be in trial. Due to the unavailability of counsel, the parties, Carlos DeMartini, and the United States, acting through their respective counsel, hereby stipulate and agree, subject to the Court's approval, that the status hearing date currently set for Wednesday, September 26, 2012, at 9 a.m. be continued to Wednesday, October 10, 2012,

1 at 9 a.m.

2 The parties also respectfully request that the additional two weeks be excluded from the
3 Speedy Trial Act so as to not unreasonably deny the government and the defendant continuity of
4 counsel, taking into account the exercise of due diligence, as set forth in 18 U.S.C. §
5 3161(h)(7)(A) and (B)(iv).

6 IT IS SO STIPULATED.

7
8 DATED: Sept. 4, 2012

Respectfully submitted,

9 MELINDA HAAG
10 United States Attorney

11 _____/s/
12 AMBER S. ROSEN
13 Assistant United States Attorney

14 DATED: Sept. 4, 2012

15 _____/s/
16 ROBERT CAREY
17 Counsel for Carlos DeMartini

18 ORDER

19 GOOD CAUSE APPEARING, upon stipulation of the parties, it is hereby ordered that the
20 hearing currently set for September 26, 2012, be continued to October 10, 2012, at 9:00 a.m., and
21 that the time from September 26, 2012 to October 10, 2012 be excluded from the Speedy Trial
22 Act calculations, to allow the United States and the defendant continuity of counsel, taking into
23 account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds
24 that the ends of justice served by excluding the time outweigh the best interests of the public and
25 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

26 IT IS SO ORDERED.

27 DATED: 9/6/12

28 
THE HONORABLE LUCY H. KOH
United States District Judge